

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: April 22, 2009
SUBJECT: **ENTITLEMENT PLAN AMENDMENT NO. 2009-003 (MONKEY'S RESTAURANT EXPANSION – AMENDMENT TO CONDITIONAL USE PERMIT NO. 2003-006)**
LOCATION: 9556-9560 Hamilton Avenue, 92646 (southeast corner of Bushard Street and Hamilton Avenue)

**Applicant/
Business**

Owner: Yoshio Homma, My Japan Corporation, 8446 Dory Drive, Huntington Beach, CA 92646

Property

Owner: Kenneth A. Reynolds, Hamilton Properties, 9421 Leilani Drive, Huntington Beach, CA 92646

Request: An amendment to an existing Conditional Use Permit to enlarge the area designated for the sale and onsite consumption of alcoholic beverages in conjunction with converting an existing 750 sq. ft. take-out establishment into a 1,500 sq. ft. restaurant.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CN – F1 (Commercial Neighborhood – 0.35 Maximum Floor Area Ratio)

Existing Use: Commercial Shopping Center

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-003:

1. Entitlement Plan Amendment No. 2009-003 for an amendment to an existing Conditional Use Permit to enlarge the area designated for the sale and onsite consumption of alcoholic beverages in conjunction with converting an existing 750 sq. ft. take-out establishment into a 1,500 sq. ft. restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not generate noise, traffic demand or other impacts at levels inconsistent with the commercial zoning applicable to the subject property. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. Furthermore, the adjacent residential district to the south is buffered from the restaurant at a distance of 40 ft. which consists of a drive aisle and parking lot. The project is not anticipated to significantly impact nearby residences because the main entrance of the restaurant is oriented toward Hamilton Avenue, away from residential units.
2. The entitlement plan amendment will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
3. The proposed Entitlement Plan Amendment No. 2009-003 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales will be located within an existing commercial center and complies with on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zone subject to approval of a conditional use permit.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial Neighborhood (CN) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Policy LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

B. Economic Development Element

Objective ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The conditional use permit will cater to existing development by expanding a take-out establishment with alcohol sales into a full service restaurant. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses

SUGGESTED CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2009-003:

1. The site plan and floor plan received and dated February 23, 2009, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business. **(PD)**
 - b. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - c. The two doors located at the southerly portion of the restaurant shall remain closed during regular business hours.
 - d. Only the uses/activities described in the project narrative received on February 23, 2009, shall be permitted.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.